

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:13-CR-481-T-17

FREDERICK JOSHUA SCOTT.

_____ /

ORDER

This cause is before the Court on:

Dkt. 79 Motion for Transcript of Sentencing
Dkt. 80 Motion to Waive Costs for Copies

Defendant Frederick Joshua Scott, *pro se*, moves for a copy of Defendant's sentencing transcript and Judgment without cost.

Defendant Scott entered into a Plea Agreement, pleading guilty to Count 3 of the Indictment. The Plea Agreement contains a waiver of the right to appeal, except under certain limited circumstances. (Dkt. 33, p. 14). Defendant Scott was sentenced on September 19, 2014, and a Final Judgment was entered. (Dkts. 66, 69).

Defendant Scott has not appealed the Judgment, or filed a Section 2255 or habeas petition.

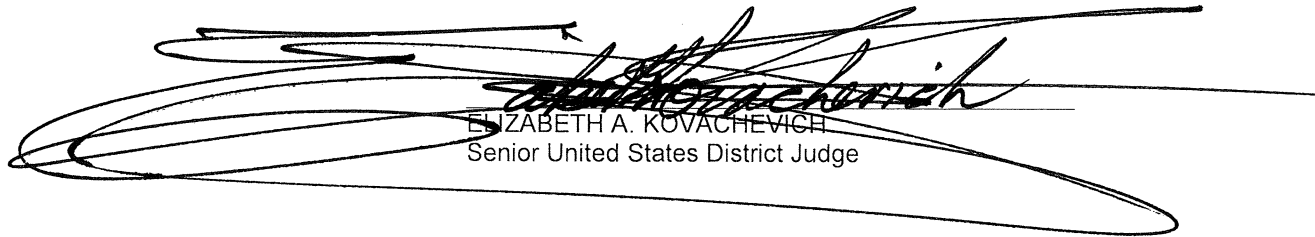
In his Motion, Defendant Scott does not explain what claims the documents that Defendant Scott has requested would have helped raise. Defendant Scott has not included any allegations that might establish that Defendant Scott is entitled to transcripts and court records at this time.

After consideration, the Court finds that Defendant Scott's Motion For Transcript and Motion to Waive Costs for Copies are premature, and denies the Motions without prejudice. The Court notes that a district court's denial of a federal prisoner's transcript requests has been affirmed on appeal where there is no appeal pending and the defendant had not moved to vacate his sentence under Section 2255. ***See Walker v. United States***, 424 F.2d 278, 279 (5th Cir.1970)(holding that "only where a [habeas] petitioner...has been granted

leave to proceed in forma pauperis and his application is pending before the court is that petitioner entitled to be furnished copies of court records without costs.")
Accordingly, it is

ORDERED that *pro se* Defendant Frederick Joshua Scott's Motion for Transcript of Sentencing (Dkt. 79) and Motion to Waive Costs For Copies (Dkt. 80) are **denied without prejudice**.

DONE and ORDERED in Chambers in Tampa, Florida on this 14th day of November, 2019.



ELIZABETH A. KOVACHEVICH
Senior United States District Judge

Copies to:

All parties and counsel of record

Pro Se Defendant:

Frederick Joshua Scott
59929-018
BEAUMONT MEDIUM
FEDERAL CORRECTIONAL INSTITUTION
Inmate Mail/Parcels
P.O. Box 26040
Beaumont, TX 77720